



#6
1-603
Customer No. 22,852
Attorney Docket No. 02481.1767

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Christopher KERN *et al.*)

Serial No.: 10/014,472)

Filed: December 14, 2001)

For: ENOXAPARIN AND METHODS)
OF ITS USE)

Group Art Unit: 1623

Examiner: J. Young

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DEC 24 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

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DEC 20 2002

TC 1700

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated November 21, 2002, the Examiner
required restriction under 35 U.S.C. § 121 to one of the following:

Group I: Claims 1-8, allegedly drawn to methods of treating
or preventing a disorder comprising administering
enoxaparin, classified in class 514, subclass 56.

Group II: Claims 9-10, allegedly drawn to methods of
identifying inhibitors of aggrecanase, a matrix
metalloproteinase, classified in class 435,
subclass 23.

Applicants elect to prosecute Group I, claims 1-8, with traverse. In
traversing the restriction requirement, Applicants draw the Examiner's attention
to M.P.E.P. § 803, which sets forth the criteria that the Examiner must satisfy to
make a restriction requirement. In particular, restriction of Applicants' invention is

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not proper unless examination of the claims results in a serious burden on the Examiner.

In the present case, the Examiner has not shown that there would be a serious burden to examine Groups I and II. Applicants respectfully submit that a search of Groups I and II would not be burdensome. A proper search for the subject matter of one group would overlap the search for the subject matter of the other group. Thus, a search for the subject matter cited in all groups would not be burdensome.

Accordingly, Applicants respectfully request that the Examiner withdraw the restriction requirement. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2002

By: 

M. Todd Rands
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